

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:09-CR-216-FL

UNITED STATES OF AMERICA)	
)	
v.)	
)	
DANIEL PATRICK BOYD, a/k/a)	
“Saifullah;”)	
HYSEN SHERIFI;)	ORDER
ANES SUBASIC;)	
ZAKARIYA BOYD, a/k/a “Zak;”)	
DYLAN BOYD, a/k/a “Mohammed;”)	
MOHAMMAD OMAR ALY HASSAN;)	
and)	
ZIYAD YAGHI,)	
)	
Defendants.)	

This order memorializes certain scheduling matters and/or matters bearing on docket development.

At hearing December 17, 2009, it was decided that the government shall provide to counsel for defendants its initial draft of its proposed protective order for classified information on or before January 4, 2010. This was received and is being inspected by the Court Security Officer, as the court was informed yesterday by Jennifer Campbell, with her review ongoing.

As considered in earlier order, after discussion with counsel at said hearing December 17, 2009, where matters bearing on discovery review, and filing of anticipated motions also were considered, and where the government provided estimate as to anticipated trial length, the court set trial to begin Monday, September 20, 2010. This setting provides a reference point in determination also of further scheduling issues remaining to be decided, including but not limited to, a date for

conduct of further procedures under CIPA Section 4 hearing, occurring yesterday, the court's determination of a pre-trial motions deadline in the case, and arraignments.

CIPA Section 4 hearing proceed yesterday, as earlier noticed, upon the government's motion (DE # 205), as supplemented (DE # 210). Further supplement by the government is anticipated immediately to revise matters in briefing and to provide additional information and evidence also requested yesterday by the court. Thereafter, decision will be made on the motion of or relating to classified materials. Order memorializing the court's determinations is not likely to be delayed beyond February 18, 2010.

This suggests need for the court to revisit the case schedule (DE # 132). In order entered December 10, 2009, the court extended with consent of defendants the time for the government to provide declassified information up to and until yesterday. On January 14, 2010, the court was alerted to an issue bearing on the government's ability to efficiently produce certain of this information, and further extension was requested. The court directed counsel to confer with defendants to ascertain their positions on the sought after time extension, with further direction that any extension sought must be limited, and reflect appropriate dedication of government resources, where originally this material was to be provided nearly a month ago.

In this discussion, the court suggested to the government that it also revisit the sufficiency of the case schedule generally in conference with defendants. The court provides further clarification in this regard, in recognition that defendants are not able to be informed on certain matters bearing on classified materials.

The February 11, 2010, deadline for production of classified discovery no longer is realistic where the court's order addressing same is not likely to issue before that date. The court sets, of its own initiative, a new deadline for this of March 1, 2010. Status conference previously set for February 18, 2010, before the undersigned is discontinued. Said conference to discuss further

scheduling matters, including but not limited to deadlines for the making of pre-trial motions in the case, shall go forward before Magistrate Judge Gates on March 12, 2010 beginning at 10:00 a.m. in the Fifth Floor Courtroom in the Terry Sanford Federal Building and Courthouse in Raleigh. Thereafter, further order will issue addressing the schedule of the case.

SO ORDERED, this the 15th day of January, 2010.



LOUISE W. FLANAGAN
Chief United States District Judge